



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

MP

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,117	12/13/2000	Michael Albert Haase	56217USA9A.002	3672

7590

11/26/2002

Attention: Philip Y. Dahl
Office of Intellectual Property Counsel
3M Innovative Properties Company
P.O. Box 33427
St. Paul, MN 55133-3427

EXAMINER

WARD, JOHN A

ART UNIT PAPER NUMBER

2875

DATE MAILED: 11/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,117

Applicant(s)

HAASE, MICHAEL ALBERT

Examiner

John A. Ward

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 2, 5, 8, 11 and 14 rejected under 35 U.S.C. 102(e) as being anticipate by Tocci et al (US 6,190,022).

Regarding claim 2, Tocci et al ('022) discloses an enhance non-lethal visual security device comprising of at least two laser elements (24a, 24b, 24c), emitting light at two different frequencies (column 6, lines 28-41), and at least one of the laser elements is a laser diode (column 5, lines 15-33).

Regarding claim 5, column 9, lines 54-64, teaches that the laser control computer 44 can be programmed to provide means where no more than one laser element may be activated at any one time.

Regarding claim 8, figure 7 shows at least two laser element having collimated beam properties are located parallel to each other.

Regarding claim 11, and 14, column 6, lines 38-41 discloses that at least one of the laser elements have a green, red, and blue color.

Claims 3, 6, 9, 12, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Tocci et al ('022).

Regarding claim 3, Tocci et al ('022) discloses an enhance non-lethal visual security device comprising of at least two laser elements (24a, 24b, 24c), emitting light at two different frequencies (column 6, lines 28-41), and at least one of the laser elements is a laser diode (column 5, lines 15-33).

Regarding claim 6, the electronic device wherein no more than one laser Element may be actuated at any one time (claim 1).

Regarding claim 9, figure 7 shows at least two-laser element having collimated beam properties are located parallel to each other.

Regarding claim 12, and 15, column 6, lines 38-41 discloses that at least one of the laser elements have a green, red, and blue color.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 7, 10, 13, 16, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hypes et al (US 6,126,299).

Art Unit: 2875

Regarding claim 1, Hypes et al ('299) discloses an electronic device comprising of a plurality of laser elements (32, 34) each capable of emitting beams of visible light, at least two of said laser elements emitting light at different frequencies (column 4, lines 50-53), additionally comprising a battery and an electrical switching circuit (column 4, lines 57-58)..

Regarding claim 4, the electronic device wherein no more than one laser element may be actuated at any one time (claim 1).

Regarding claim 7, the electronic device wherein said at least two laser elements emit beams which are collimated beams which are substantially parallel (figure 3).

Regarding claim 10, the electronic device according to claim 1 wherein at least one of said laser elements emits light at a red, orange or yellow visible wavelength and at least one of said laser elements emits light at a green, blue or violet visible wavelength (column 4, lines 45-51).

Regarding claim 13, the electronic device wherein at least one of said laser elements emit light at a red visible wavelength and at least one of said laser elements emits light at a green or blue visible wavelength (column 4, lines 47-48).

Regarding claim 1, and 24, Hypes et al does not disclose the electronic device weighing no more than 450 grams.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an electronic device weighing no more than 450 grams since the applicant has not disclosed that the weight of the device solves any stated

Art Unit: 2875

problem or is for any particular purpose and it appears that the invention would perform equally well with the weight above 450 grams.

Regarding claims 16 and 20, the electronic device wherein at least one of said laser elements is a green-emitting II-VI, red-emitting III-V, or a green-emitting frequency-doubled laser and or at least a laser element comprised a red-emitting III-V semiconductor laser diode. .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a green emitting II-VI, red emitting III-V, green emitting frequency doubling or red emitting III-V laser element since the applicant has not disclosed that the type of laser diode solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any of the listed laser elements.

Claims 17 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tocci et al ('022).

Regarding claims 17 and 21, Tocci et al discloses substantially all the limitation of the claimed invention including at least two light sources being laser diodes having different color wavelength. Tocci et al does not disclose an electronic device wherein at least one of said laser elements is a green-emitting II-VI, red-emitting III-V, or a green-emitting frequency-doubled laser and or at least a laser element comprised a red-emitting III-V semiconductor laser diode.

Art Unit: 2875

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a green emitting II-VI, red emitting III-V, green emitting frequency doubling or red emitting III-V laser element since the applicant has not disclosed that the type of laser diode solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any of the listed laser elements.

Regarding claim 22, Tocci et al does not disclose the electronic device weighing no more than 450 grams.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an electronic device weighing no more than 450 grams since the applicant has not disclosed that the weight of the device solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the weight above 450 grams.

Claims 18, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tocci et al ('022).

Regarding claims 18 and 19, Tocci et al discloses substantially all the limitation of the claimed invention including at least two light sources being laser diodes having different color wavelength. Tocci et al does not disclose an electronic device wherein at least one of said laser elements is a green-emitting II-VI, red-emitting III-V, or a green-emitting frequency-doubled laser and or at least a laser element comprised a red-emitting III-V semiconductor laser diode.

Art Unit: 2875

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a green emitting II-VI, red emitting III-V, green emitting frequency doubling or red emitting III-V laser element since the applicant has not disclosed that the type of laser diode solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any of the listed laser elements.

Regarding claim 23, Tocci et al does not disclose the electronic device weighing no more than 450 grams.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an electronic device weighing no more than 450 grams since the applicant has not disclosed that the weight of the device solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the weight above 450 grams.

Response to Arguments

Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haitz (US 5,758,951) shows a vertical cavity surface emitting light laser arrays for illumination have at least two laser light emitting elements and emitting light in at least two different frequencies.

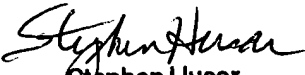
Art Unit: 2875

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 703-305-5157. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0596.

JAW
November 20, 2002


Stephen Husar
Primary Examiner